

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,
ON WEDNESDAY, NOVEMBER 3, 1999.**

Members Present: Patrick J. Gilmartin, Chairman
William Hoffman
Peter Lilienfield
Allen Morris, Secretary
Patrick Natarelli

Also Present: Kevin J. Plunkett & Lino Sciaretta, Village Counsel
Brenda Livingston & Joseph Elliott, Ad Hoc Planning Board
Members
John Lynch & Tim Miller, Planning Board Consultants
Richard Fon, Building Inspector
Florence Costello, Planning Board Clerk
J&L Reporting Service for Westwood Development Associates
Applicants and other persons mentioned in these Minutes
Members of the Public.

IPB Matters

Considered: **94-03 -- Westwood Development Associates, Inc.**
Sht.10,P25J2,25K2,Sht.10C,B1.226,Lots 25A,26A
98-44 -- Ciccio & Chernick
Sht. 10C, Bl. 226, Lot 25
99-31 -- Danfor Realty Co. (Fatato Subdivision)
Sht. 13B, P5 P5C
99-10 -- Spectrum Irvington (Amendment) - Lot #68
Sht. 12B, Lot 68
99-33 -- Mackie & Martucci Subdivision
Sht. 2, P-109P12
99-52 -- John & Robin Abbott
Sht. 13B, P-21
99-53 -- David & Nancy Rosner
Sht. 10D, Bl. 243, Lot 9
99-54 -- Kurt Rosen & Melissa King
Sht. 7B, Bl. 249, Lot 12
99-55 -- SAB Development Corp.
Sht. 7, Lot(s) 3 & 4

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

1. With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for subdivision of property at Riverview Road.

Norman Sheer, Esq., appeared for the Applicant. The Application was carried over to the December 1, 1999 meeting.

IPB Matter #99-10:

Public Hearing on Application of Spectrum Irvington Corp., for Amended Site Development Plan Approval for Lot #68, Legend Hollow.

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. This application, previously heard at the February 3, 1999 Planning Board meeting, is for the addition of a covered terrace adjacent to the back of the house. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #68) Legend Hollow, dated August 8, 1998, last revision October 22, 1999".

IPB Matter #99-53:

Application of David & Nancy Rosner for Site Development Plan Approval for property at 11 Meadow Way.

Matthew Behrens, Architect, appeared for the applicant. Applicant paid the required application fee and provided evidence of required Notice to Affected Property Owners. The proposed property development is for a new two-story addition approximately 256 square feet extending 7 ft. 12 in. beyond the existing west wall of the house and will contain approximately 2,748 cubic feet. The proposed addition will increase the footprint of the house by 15%. Drawings "Addition/Alteration: Rosner Residence, Sheet S-1, A-1, P4.3, prepared by Matthew Behrens, Architect, dated October 5, 1999 were submitted. Board members Peter Lilienfield and Allen Morris, neighbors, recused themselves from discussion. There were no comments from the Board's consulting engineer or the public. The Chairman read aloud a letter dated

November 3, 1999, from Margaret K. Lobdell, abutting neighbor, stating she does not oppose the addition.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and a Type II Action for SEQRA purposes, pending Zoning Board of Appeals approval.

After discussion, on motion duly made and seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application, subject to approval by the Zoning Board of Appeals of any variance required in connection with this Application.

IPB Matter #99-54:

**Application of Kurt Rosen & Melissa King for
Waiver of Site Development Plan Approval for
property at 62 West Clinton Avenue.**

Robert Reilly, Architect, appeared for the applicant. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. The proposed development is for a one story addition to the north west side of existing home and a dormer on the north west side of existing roof. The construction will add 500 square feet of floor area on a total of one floor and about 10,000 cubic feet to the existing building, increasing the footprint by approximately 500 square feet. Applicant submitted one 11"x17" set of plans, prepared by R. Reilly, Architect, dated October 22, 1999.

The Chairman read aloud a letter from David and Kristen Woll, 58 West Clinton Avenue, concerning repair of the driveway to original condition after construction. The Chairman advised that Mr. Fon, Building Inspector, is not to issue a certificate of occupancy

until driveway is repaired. There was some Board discussion regarding the site development plan regarding coverage, the Board agreed it was 15%.

The Chairman, with the Board's concurrence stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from Mr. Mastromonaco or the public. The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #99-52:

Application of John & Robin Abbott for Site Development Plan Approval for property at 13 Lewis Road.

Matthew Behrens, Architect, appeared for the applicant. He confirmed that the Zoning Board of Appeals, at its September 21, 1999 meeting, granted a variance from the set-back requirements of Sec. 243-11-A of the Irvington Zoning Code. The proposed development is for a one-story addition to the rear of the existing residence. The addition will contain a new family room. It will extend out 12 ft. 10 in. and will be 17 ft. 7 in. wide for a total of 2,021 cubic feet. The addition will increase the footprint by 22%. Applicant submitted one set of plans, prepared by Matthew Behrens, dated September 2, 1999.

There were no public comments or engineering concerns. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA. After discussion, on motion duly made, seconded and unanimously approved, the Board granted Site

Development Plan Approval in accordance with the plans dated September 2, 1999 prepared by Matthew Behrens

IPB Matter #99-55:

**Application of SAB Development Corp., for
Site Development Plan Approval for property
at Padwee Lane, Lot 3 & 4.**

Andrew Saines, Builder, appeared for himself. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. Applicant proposes to construct a one family house. Discussion centered around the proposed driveway and concern for safety, can fire trucks and ambulances negotiate the proposed driveway, discussion of retaining walls and lack of clear detail. Dr. Amin, a neighbor, advised that he would send the Planning Board for reference, a copy of the deed restrictions that appear in the chain of title to the property of the Applicant and surrounding properties. Setback measurements were not correct on the plans and the addition of a silt fence on the western side of the footprint is required.

The discussion was carried over to the December meeting, when new, complete and accurate drawings would be presented.

IPB Matter #99-33:

**Application of Robert & Katherine Mackie and
Katherine Martucci for Subdivision of property
North of Bridge Street.**

Norman Sheer, Esq., appeared for the Applicant. This application for subdivision of a two acre vacant parcel of land on the north side of Bridge Street was carried over from the October 6, 1999 meeting. Considerable discussion from Richard M. Gardella, Esq., representing Barbara and H. Rodgin Cohen, neighbors, regarding flag lots, easements versus roads and undeveloped turnarounds. Village Counsel Kevin Plunkett, Mr. Gardella and Mr. Sheer agreed to discuss and resolve the topic via a conference call. A public hearing was set for the December 1, 1999 Planning Board meeting.

IPB Matter #94-03:

**Application of Westwood Development
Associates, Inc., for Limited Site Development
Plan Approval for property at Broadway,
Riverview Road and Mountain Road.**

Mr. Charles Pateman appeared for the Applicant. A Resolution making Findings Under Remedial Legislation was adopted and is attached to these Minutes. The Board then determined that the Application for Site Development Plan Approval was complete and

scheduled for Wednesday, December 8, 1999 at 8:00 p.m. a public hearing on the Site Development Plan Application, as required by Section 207-8 C. of the Village Code. In accordance with Section 207-8 D. of the Village Code, the public hearing will also serve as the public hearing on the preliminary layout of the proposed subdivision. Mr. Pateman was reminded to give Affected Property Owners 14 days notice of the public hearing as required by Village Code Section 243-70 B.

Mr. Pateman agreed to extend the deadline for the Board's final action on the Application beyond the 75 day period specified in Code Sections 243-70 C. and 207-8 F.(1) as necessary.

Mr. Donald Marra, Assistant School Superintendent, confirmed that Westwood and the School Board are working together in connection with plans for improvement of access and parking at the High School.

Tim Miller, Planning Board Consultant, discussed with the Board items which might remain to be considered in the Final Environmental Impact Statement for the Project.

A complete stenographic transcript was kept and is made part of the record of this proceeding.

IPB Matter #99-31:

**Application of Danfor Realty for Subdivision
of property (Fatato) at Harriman Road between
Shady Lane and Park Road.**

Andrew Fiore, and Richard Fatato appeared for the Applicant. The Chairman noted that Mr. Fiore had submitted a certificate to the effect that Linden Brewery was entitled to proceed with the Application notwithstanding the fact that at prior meetings of the Board a resident claiming to be a 30% shareholder of Linden Brewery, had objected to the standing of the Applicant. The Chairman reminded Mr. Fiore that the original request of the Board was for an opinion of counsel for Linden Brewery to the effect that all corporate formalities in connection with the proposed sale of the property had been observed. He then asked Mr. Plunkett, Village Counsel, whether the certificate satisfactorily answered the question and Mr. Plunkett said in his opinion that an opinion of counsel was still required.

The second issue was whether the property on which one of the existing houses on the site was located was one acre or one-half acre. Mr. Fiore and the owner of the house in question, who was present, confirmed that they had reached an agreement to file a deed increasing the lot size to one acre inasmuch as the prior deed which purported to do this was ineffective. Mr. Plunkett said that he was concerned about the various changes in property lines which had been made over the years on the entire parcel and requested a history of the deeds to the property.

Mr. Fiore objected that the Board had no right to raise the questions it was raising. The Chairman, with the support of the Board, firmly stated that the Board had the right to make the inquiries it was making inasmuch as to do otherwise might be to facilitate an improper outcome.

The matter was carried over to the December meeting.

The Chairman announced it was his intention to submit his resignation from the Planning Board to the Board of Trustees. He said he had concluded that this was an appropriate time for him to step down after having served for almost 11 years as Chairman. He expressed his thanks to all members of the Board, Village Counsel, and Mrs. Costello, the Clerk of the Board, for their efforts and fine cooperation during his tenure. He said he was totally confident that the Village would continue to be well served by the Board under the leadership of the Chairman to be appointed by the Board of Trustees and the person designated by the Board of Trustees to fill the vacancy created by his resignation.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on October 6, 1999, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for December 1, 1999, and a Special Meeting to discuss the Westwood Development was scheduled for December 8, 1999.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary

